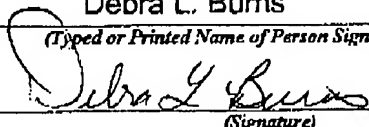


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<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): Jianming CHEN			Docket No. 133697-00061	
Application No. 10/549,987	Filing Date 09/19/2005	Examiner Laura J. Schuberg	Group Art Unit 1657	
Invention: COENZYME Q10 CONTAINING PROLIPOSOME AND PREPARATION THEREOF				
<p>I hereby certify that this <u>Certificate of Transmission, Submission of English Translation of International Preliminary Report on Patentability &amp; copy of English Translation of International Preliminary Report on Patentability</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>)</p> <p>on <u>November 19, 2007</u> (Date)</p> <p><u>Debra L. Burns</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u></u> (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p>				

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PATENT APPLICATIONIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group  
Art Unit: 1657

Attorney  
Docket No.: 133697-0006

Applicant: Jianming Chen

Invention: COENZYME Q<sub>10</sub> CONTAINING  
PROLIPOSOME AND PREPARATION  
THEREOF

Serial No: 10/549,987

Filing Date: September 19, 2005

Examiner: Laura J. Schuberg

Certificate Under 37 CFR 1.8(b)

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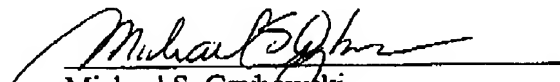
on November 19, 2007  
Michael S. GzybowskiSubmission of English Translation of International Preliminary Report on Patentability

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is the English Translation of the International Preliminary Report on  
Patentability issued in conjunction with PCT/CN2004/000234.

Respectfully submitted,

  
Michael S. Gzybowski  
Reg. No. 32,816

BUTZEL LONG  
350 South Main Street  
Suite 300  
Ann Arbor, Michigan 48104  
(734) 995-3110

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
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ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

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Date of mailing (day/month/year)  
22 September 2005 (22.09.2005)

Applicant's or agent's file reference  
PCT040854

**IMPORTANT NOTIFICATION**

International application No.  
PCT/CN2004/000234

International filing date (day/month/year)  
22 March 2004 (22.03.2004)

Applicant

SHANGHAIJAHWA UNITED CO., LTD. et al

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

**2. Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

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**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
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## PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 041241-P	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CN2004/000234	International filing date (day/month/year) 22.Mar.2004 (22.03.2004)	Priority date (day/month/year) 20.Mar.2003 (20.03.2003)
International Patent Classification (IPC) or national classification and IPC IPC(7):A61K31/122, A61K31/164, A61K9/127, A61K7/48, A61P17/02, A61P17/14, A61P17/16, A61P17/00		
Applicant SHANGHAI JAHWA UNITED CO., LTD. et al		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		

Date of submission of the demand 17.Jan.2005 (17.01.2005)	Date of completion of this report 25.Jan.2005 (25.01.2005)
Name and mailing address of the IPEA/ State Intellectual Property Office of P.R.CHINA 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing 100088, China	Authorized officer 4219

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN2004/000234

## Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))  
☐ publication of the international application (under Rule 12.4)  
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages \_\_\_\_\_ as originally filed/furnished  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ the claims:

pages \_\_\_\_\_ as originally filed/furnished  
 pages \_\_\_\_\_ as amended (together with any statement) under Article 19  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ the drawings:

pages \_\_\_\_\_ as originally filed/furnished  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_  
☐ the claims, Nos. \_\_\_\_\_  
☐ the drawings, sheets/figs \_\_\_\_\_  
☐ the sequence listing (*specify*): \_\_\_\_\_  
☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_  
☐ the claims, Nos. \_\_\_\_\_  
☐ the drawings, sheets/figs \_\_\_\_\_  
☐ the sequence listing (*specify*): \_\_\_\_\_  
☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN2004/000234Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

## 1. Statement:

Novelty (N)

Claims 1-9

YES

Claims

NO

Inventive step (IS)

Claims 1-9

YES

Claims

NO

Industrial applicability (IA)

Claims 1-9

YES

Claims

NO

## 2. Citations and explanations (Rule 70.7)

The present invention relates to a coenzyme Q10 and ceramide-containing proliposome, the preparation and the use thereof.

The following documents have been considered for the purpose of this written opinion:

Document 1: CN1294017A, (WANG Jiwen et al) 09.May.2001 (09.055.2001), abstract

Document 2: EP0069399A2, (EISAI CO., LTD.) 12.Jan. 1983 (12.01.1983), abstract

Document 3: JP57075916A, (NICM)NIPPON CHEMIPHAR COMPANY) 12.May. 1982 (12.05.1982), abstract

Document 4: Mol Aspects Med. 1994, Vol 15, WEIS, M et al. "Bioavailability of four oral coenzyme Q10 formulations in healthy volunteers" page 273-280, MEDLINE abstract

Document 5: Biofactor. 1999, Vol 9, NIIBORI K et al. "Bioenergetic effect of liposomal coenzyme Q10 on myocardial ischemia reperfusion injury" page 307-313, MEDLINE abstract

## (1) Novelty

D1 disclose a ceramide containing liposome, and D2-D5 disclose a coenzyme Q10-containing liposome. However, a ceramide and coenzyme Q10-containing liposome is not described in each of D1-D5, and the instruction that ceramide can improve the transdermal absorption of coenzyme Q10 is also not described in all the documents. Therefore, the subject-matter of claims 1-9 is considered to be novel over the documents cited in the search report (Art.33(2)PCT).

## (2) Inventive step

The subject-matter of claims 1-9 is not considered to be obvious for a person skilled in the art according to the documents D1-D5. Therefore, the subject-matter of claims 1-9 is considered to involve an inventive step (Art.33(3)PCT).

## (3) Industrial application

The subject-matter of claims 1-9 appears to be industrially applicable (Art.33(4)PCT).